

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

20

DECISION

TOPIC

Adopted and Filed: amendments to rules regarding department evaluation; denial of or condition of construction permits or disapproval or modification of MMPs/NMPs for confinement feeding operations and open feedlot operations.

The Commission is requested to approve final rules to amend 567 Iowa Administrative Code Chapter 65 – Animal Feeding Operations. The purpose of the proposed amendments is to extend the department’s authority to evaluate construction permit applications and manure/nutrient management plans for impact on natural resources or the environment and to prohibit construction in the proposed location or to deny or condition/modify applications or plans that are reasonably expected to result in specified impacts. The amendments will potentially increase the requirements necessary to obtain a construction permit or approval of a manure/nutrient management plan, but also provides the opportunity to challenge the department’s action in a contested case proceeding.

5 public hearings were held on March 7, 8, 9 and 10, 2006 and written comments were received. A responsiveness summary addressing the comments received is attached. As a result of the comments, the Department recommends that the words “unacceptable burden” in subparagraphs 65.5(3)”b”(3) and 65.103(5)”b”(3) be changed to “adverse effect.” These words are more widely used in existing rules and should be better understood by the regulated community.

Wayne Gieselman, Administrator
Environmental Services Division

June 7, 2006

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 459.103 and 2005 Iowa Code Supplement section 459A.104, the Environmental Protection Commission hereby adopts amendments to Chapter 65, "Animal Feeding Operations," Iowa Administrative Code.

The amendments authorize the Director to condition or deny a construction permit, to modify or disapprove a manure management plan, or to prohibit construction of a proposed confinement feeding operation at the proposed location if the Director concludes, after an evaluation by the Department, that the proposed confinement feeding operation or proposed expansion of a confinement feeding operation would reasonably be expected to cause: pollution of a water of the state; violation of state water quality standards; or an unreasonable burden on natural resources or the environment due to the current concentration of confinement feeding operations or associated manure application fields in a specific area. The amendments also authorize the Director, after Department evaluation and conclusion of similar impacts, to deny a construction permit, to disapprove a nutrient management plan, or to prohibit construction of a proposed open feedlot operation or proposed expansion of an existing open feedlot operation.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 15, 2006 as ARC 4898B. Oral comments were received at five public hearings; written comments were also received. As a result of the comments, the words "unacceptable burden" in subparagraphs 65.5(3)"b"(3) and 65.103(5)"b"(3) have been changed to "adverse effect." No other changes have been made to the amendments as set forth in the Notice of Intended Action.

These amendments will become effective August 23, 2006.

These amendments are intended to implement Iowa Code sections 459.103, 459.303 and 459.312, and 2005 Iowa Code Supplement section 459A.104.

The following amendments are adopted.

ITEM 1. Amend rule 567--65.5(455B) by adopting the following **new** subrule:

65.5(3) The department may evaluate any proposed confinement feeding operation or proposed expansion of a confinement feeding operation that requires a construction permit or manure management plan, with respect to its potential adverse impacts on natural resources or the environment.

a. In conducting the evaluation, the department shall consider the following factors:

(1) The likelihood manure will be applied to frozen or snow-covered cropland.

(2) The proximity of the structures or manure application areas to sensitive areas, including but not limited to publicly owned land, designated areas, trout streams and karst terrain.

(3) Topography, slope, vegetation, potential means or routes of conveyance of manure spilled or land-applied. This factor includes but is not limited to whether the manure application areas involve cropland with predominant slopes greater than 9 percent without a conservation plan approved by the local soil and water conservation district or its equivalent and whether manure for land application is hauled or otherwise transported more than five miles.

(4) Whether the operation or manure application area is or will be located in a two-year capture zone for a public water supply.

b. In addition to the requirements in rules 65.9(455B), 65.10(455B), 65.11(455B), 65.15(455B) and 65.17(459), the department may deny a construction permit, disapprove a manure management plan or prohibit construction of the proposed operation at the proposed location if the director determines from the evaluation conducted pursuant to the subrule that the operation would reasonably be expected to result in any of the following impacts:

(1) Manure from the operation will cause pollution of a water of the state.

(2) Manure from the operation will cause a violation of state water quality standards.

(3) An adverse effect on natural resources or the environment in a specific area due to the current concentration of animal feeding operations or the associated manure application areas.

c. The department also may establish permit conditions or require amendments to the manure management plan in addition to the minimum requirements established for such operations, on the location of structures or manure application, or other operational conditions necessary to avoid or minimize the adverse impacts.

d. A construction permit denial or condition, a manure management plan disapproval or required amendment, or a prohibition of construction pursuant to this subrule may be appealed according to the contested case procedures set forth in 561--Chapter 7.

ITEM 2. Amend rule 567--65.103(455B,81 GA,HF805) by adopting the following new subrule:

65.103(5) The department may evaluate any proposed open feedlot operation or proposed expansion of an open feedlot operation that requires a construction permit with respect to its potential adverse impacts on natural resources or the environment. For the purpose of this subrule, open feedlot effluent includes manure, process wastewater, settled open feedlot effluent and settleable solids.

a. The department shall consider the following factors:

(1) The likelihood open feedlot effluent will be applied to frozen or snow-covered cropland.

(2) The proximity of the open feedlot operation structures or open feedlot effluent

application areas to sensitive areas, including but not limited to publicly owned land, designated areas, trout streams and karst terrain.

(3) Topography, slope, vegetation, potential means or routes of conveyance of open feedlot effluent spilled or land-applied. This factor includes but is not limited to whether the open feedlot effluent application areas involve cropland with predominant slopes greater than 9 percent without a conservation plan approved by the local soil and water conservation district or its equivalent and whether open feedlot effluent for land application is hauled or otherwise transported more than five miles.

(4) Whether the operation or open feedlot effluent application area is or will be located in a 2-year capture zone for a public water supply.

b. In addition to the requirements in rules 65.105(81GA,HF805), 65.109(81GA,HF805) and 65.112(81GA,HF805), the department may deny a construction permit, disapprove a nutrient management plan or prohibit construction of the proposed operation at the proposed location if

the director determines from the evaluation conducted pursuant to this subrule that the operation would reasonably be expected to result in any of the following impacts:

- (1) Open feedlot effluent from the operation will cause pollution of a water of the state.
- (2) Open feedlot effluent from the operation will cause a violation of state water quality standards.
- (3) An adverse effect on natural resources or the environment in a specific area due to the current concentration of animal feeding operations or the associated open feedlot effluent application areas.

c. The department also may establish permit conditions or require amendments to the nutrient management plan in addition to the minimum requirements established for such operations, on the location of structures or open feedlot effluent application, or other operational conditions necessary to avoid or minimize the adverse impacts.

d. A construction permit denial or condition, a nutrient management plan disapproval or required amendment, or a prohibition of construction pursuant to this subrule may be appealed according to the contested case procedures set forth in 561--Chapter 7.

Date

Jeffrey R. Vonk, Director

**Summary of Comments
Received by the
Iowa Department of Natural Resources**

On Proposed Changes to 567 IAC - Chapter 65

INTRODUCTION

On January 17, 2006, the Environmental Protection Commission approved a Notice of Intended Action (NOIA) to amend Chapter 65 in order to extend the department's authority to evaluate construction permit applications and manure and nutrient management plans for impact on natural resources or the environment and to prohibit construction in the proposed location or to deny or condition/modify applications or plans that are reasonably expected to result in specified impacts. The Notice of Intended Action (NOIA) was published in the Iowa Administrative Bulletin (IAB) on February 15, 2006, as ARC 48986B.

A list of individuals and organizations that have submitted written comments and/or participated in the public hearing follows the summary of comments. Due to the number and extent of the comments received and because this is a summary, the comments have been divided by issues, followed by the department's position and the changes proposed to the NOIA as a result of the comments. When more than one organization or individual submitted comments on the same or similar issues, they are grouped together, to avoid repetition.

Public hearings were held at the following locations:

LeMars, March 7, at 9 a.m., LeMars Public Library
Audubon, March 7, at 7:00 p.m., Audubon City Hall
Urbandale, March 8, at 2 p.m., Urbandale Public Library
Ainsworth, March 9, at 7:00 p.m., Marr Park
Waverly, March 10, at 9 a.m., Waverly Library

GENERALIZED COMMENTS

1. Support the proposed rules (Kuper, Murphy, McDougall, Tigges, Form Card 1, Carpenter, Garst, Rubis, Swanson, Kempke, Fitzpatrick, Swenson, Gannon, Simmons, Bosold, Salterberg, Arndt, Korsgaden, Kelley, Beaton, Partridge, McQuiston, Overall, Perry, Sarnat, Johnson, Petrick, Rando, McCollum, Hedquist, Dwyer, Fishback, Hunter, Archer, Streicher, Craig, Jaffey, Walton, Miller, Oliver, Maurer, Larsen, Strouss, Zenack, Mackey-Taylor, Oberdieck, Klauke, Roberts, Charles Winterwood, Diane Van Winkle, Hedquist, John Van Winkle, Buck, Rash, Rubis)

DNR Response: No response necessary.

2. Oppose the proposed rules (Zylstra, Grove, Grouwink, Johnson, Hinn, Danzer, Schulze, Ritscher, Schafbuch, Foster, Worley, M. Conley, B. Conley, Bailey, Gary Brands, Gerry Brands, C. Poppe, N. Poppe, Spahr, Vinchattle, Butler, Godfrey, Whitehead, Riotta, Regan, Erwin, Alexander, Lage, Form Letter 2, Form Letter 3, Form Letter 4, Form Letter 5, Burright, Shroeder, D. Witt, T. Witt, Hansen, Terpstra, VanDeStruet, Johnson, Popken, Perry, Loutsch, Rehder, Kass, Vermeer, Kohl, Fluit, Meiburg, Lear, Rotta, VanPerson, Gruenhagen, Doran, H. Mogler, R. Moglerer, Ladwig, Snack, Metzger, Pingle, Nelts, Reinsink, Halma, Hinn, Brands, Turner, Winterhoff, Beach, Nosbisch, Deann Pudenz, Bradford, Klocke, Clancy, Hosek, Babinet, Carney, Doyle, Stanton, Kleckner, R. Vittetoe, Skubal, H. Vittetoe, Berdo, Paustian, Boch, Anderson, A. Schafbach, Duke, M. Ledger, Gratz, J. Ledger, Jamison, Mathias, Boelman, Hamblin, Morris, Welter, Weymiller, McGregor, Beerman, Mehmen, Sheets, Miller, Reints, M. Schmidt, Jepsen, Frasher, Naeve, Fredrickson, Johnson, Klauber, Kilburg, Roberts, Elliott, Allen, Schmitt, Seil, Brown, Rydberg, Walters, Danielson, Buse, Irwin, BreDahl, Venner, Hill, Greg Pudenz, Randy Pudenz, Mowrer, Atwood, Alliger, Lundt, Zhorne, Wulf, Poldberg, Hofmann, Hagemann, Metzger, Arp, Sage, Dammann, Dodds, Welter, Swann, Rathe)

DNR Response: A response is not possible.

3. Please restore the following to the final Rule on Water Protection. These factors were included in the original rule and need to be restored:
 - o If the site will be located in a watershed of an impaired water body;
 - o The proximity to homes, businesses, schools or other areas involving people with special health or medical needs;
 - o The size of the facility and the amount of manure to be produced;
 - o The current concentration of factory farms in the area; and
 - o Any other factors affecting the likelihood or frequency of adverse impacts on the environment or natural resources.(Murphy, Wallitt, Tigges, Form Card 1, Bosold, Weber, Rando, Hedquist, Hunter, Klauber, Jaffey, Walton, Miller, Maurer, Klauke, Charles Winterwood, Van Winkle, John Van Winkle)

DNR Response: The listed factors were in a earlier version of the proposed amendments that was not approved by the EPC.

4. Too much power for one person to hold. (Johnson, Schafbuch, Hunter, Worley, Spahr, Godfrey, Whitehead, Gard, Kohl, Slatterly, Lantow, Miller, Schmitt, R&M Pudenz, Johnson, Hofmann, Arp, Welter)

DNR Response: The Director's decision can be appealed and the final agency decision would be made by the Environmental Protection Commission.

5. This common sense rule is exactly what Iowa needs to protect our water from factory farm pollution. It is years overdue. Anyone who supports clean water should support this rule. It just makes sense to consider the adverse impacts a facility may pose and address them before construction. We can not continue to rubber-stamp permit applications that have the potential to adversely affect our environment and the neighbors. (Tigges, Form Card 1, Bosold, Simmons, Rando, Klauber, Craig, Walton, Stephens)

DNR Response: The proposed amendments speak for themselves; a response is not necessary.

6. Producers need predictability and consistency in the rules and regulations from year to year. There needs to be consistency. (Alexander, Lage, Gard, Form Letter 2, Form Letter 3, Form Letter 4, McKechnie, Poldberg)

DNR Response: The Department asserts that the proposed amendments are consistent with current evaluation rule provisions for existing animal feeding operations.

7. Proposed rules are very vague and difficult for a producer to know what he would be allowed to do. The rule gives very broad discretion and way too much authority to one person. (C. Poppe, N. Poppe, Biermann, Lear, Raak)

DNR Response: The Department does not agree that the proposed amendments are vague, but rather are broadly worded to accommodate the great variety of operations not addressed by existing statutory and rule provisions. Regarding “too much authority,” please see response comment #4.

8. Iowa's list of impaired waters continues to grow - well over 200 areas of impaired water quality - and much of that comes from wrong placement or improper management of animal confinement operations. We have had over 400 reported manure spills in the past 10 years. This doesn't take into account unreported spills, chronic runoff, or seepage into ground water. (Simmons, Bosold, Rando, Klauber, Jaffey, Walton, Maurer, Stephens)

DNR Response: The Department shares the concern regarding improper placement of some animal feeding operations and the proposed amendments are an attempt to address that concern.

9. The rule opens the door for arbitrary decisions based on your friends, your politics, your economic status, or your ability to run an effective public relations campaign. (Grouwinkel, Lang, Gard, Jacobsen, Naeve, Fredrickson, Johnson, Allen, Walters, Buse)

DNR Response: The proposed amendments will not be used as a pretext to make decisions based on favoritism etc.

10. The rule gives the DNR power to override 10 years of environmental regulation which establishes detailed standards for construction and management. This takes away the predictability of the permit and MMP approval process. (Foster, ICA, IPPA, Vinchattle, Regan, Lang, Biermann, Lear, Doran, Metzger, Carlson, Gruenhagen, England, Schultze, Schoonover, Burrows, Naeve, Fredrickson, Seil, Martin, Walters, Venner, Raak, Poldberg)

DNR Response: Many of the statutory provisions concerning the construction and management of animal feeding operations originated as rule provisions pursuant to general rulemaking authority. The proposed amendments are being advanced by the same authority and in the same spirit of addressing perceived environmental or natural resources needs.

11. Producers will spend thousands of dollars on research and engineering for a site only to have a site arbitrarily rejected. (Foster, ICA, IPPA, Vinchattle, Regan, Lang, Form Letter 5, Perry, Carlson, Fredrickson, Johnson, Allen, Walters, Venner)

DNR Response: The foundation of the proposed amendments is a solid technical evaluation process and the Department denies that the proposed amendments will be used as a vehicle for arbitrary decisions.

12. The vagueness of the proposed rule will make it very difficult for farmers to know if a proposed site will meet the DNR requirements before the farmer invests time and money in preparing a permit application and/or manure or nutrient management plans. According to the proposed rule, even if a confinement or open feedlot operation meets requirements in Iowa law for construction permits, manure management plans (nutrient management plans for open feedlots), separation distances for confinement operations, design requirements for open feedlots, and the master matrix for confinement operations, the DNR will be able to deny a construction permit, disapprove a manure or nutrient management plan, or prohibit construction of a proposed operation. (ICA, IPPA, Lang, Sheets)

DNR Response: Refer to the response to comment #7.

13. The rule is clear and does not need to be any more specific. Besides, facility owners know whether or not they are building in a bad location. It doesn't take a rocket scientist to know that manure runs down hill. The Iowa DNR already has the authority to do this and, in order to effectively do their job - which is to protect the environment, needs to have the flexibility to address unique issues that arise. (Tigges)

DNR Response: The Department agrees that the proposed amendments are needed to address isolated situations beyond the scope of current statutory and rule criteria.

14. Animal agriculture can not operate in the state of uncertainty as would be created with the implementation of this action. (Fascher)

DNR Response: Department experience has been that livestock producers are very imaginative and flexible in responding to regulation and it is not anticipated that the proposed amendments will ultimately result in any other reaction.

15. By implementing such a rule it puts farmers at a disadvantage to their counterparts statewide. Farmers need consistent laws to follow in dealing with your agency in order to obtain construction permits and file manure management plans. Adding or changing requirements, demanding additional provisions be met after a person has satisfied the steps of the manure management process in order to obtain a construction permit seem arbitrary at best and discriminatory at least. Legislative intent has been given to your department by the statutes passed in the Legislative process. Rulemaking should not exceed the authority granted you, you must reconsider to only fulfill the duties assigned to you. If you aggressively pursue an agenda to only further your interests perhaps you should reconsider what your intent is. The legislature granted you the authority to preserve the state's natural resources based on law. As a public servant to the citizens of the state it is your responsibility to serve those people, any and all, according to your job description. (Arthur)

DNR Response: Refer to response to comments #6, 7 and 10.

16. I am concerned that the DNR wants the subjective power to alter or deny a construction permit or manure management plan at their discretion because they think there might be a "possible, maybe, or perhaps" situation. Much effort and time is spent by a producer contacting companies, builders, and lending agents prior to making the decision to put up a facility. Then much time, effort and money is invested in the construction permit and manure management plan. You have set the rules and if these are met, the permit should be granted and the manure plan approved. It is hard enough to meet the rules as they are, but impossible to hit a moving target, which is what you are proposing. (Jennett)

DNR Response: Refer to the response to comment #7.

17. The proposed rule giving the DNR Director authority to override existing laws and agreements should not be considered. For years, farmers, legislators, and the DNR have worked out laws and rules that govern the permitting of livestock operations in Iowa. This proposed rule in reality negates all of the previous work by giving far too much authority to one government agency. This will have a huge negative impact on the raising of livestock in this state and will also adversely affect all related businesses. There is too much potential for abuse of power when the checks and balances of government have been removed. I am completely opposed to this rule. (Gerst)

DNR Response: Refer to the response to comment #10.

18. In the state of Iowa, we already have specific criteria in Iowa's Environmental Regulations and the Master Matrix guidelines for the safe design, construction and operation of livestock facilities. We should not allow establishing arbitrary rules that go beyond this existing, proven, and workable criteria. (Woodley)

DNR Response: Refer to the responses to comments #7 and 10, and 13.

19. I believe the Iowa DNR should NOT be asking for more authority. The DNR is to follow the laws already made by the legislators and not come up with their own. (Jacobsen)

DNR Response: Refer to the response to comment #7.

20. I do not feel this is a good or fair idea. We have worked far too long on setting rules and regulations to throw that to the wayside and have one person making the decision to allow, or not allow, a site. The producers need to have rules and guidelines that they can follow and know if they will be allowed to build or expand a site. It would not be good to have a producer tie up thousands of dollars on a site that meets all requirements, then find out that the Director decided to not allow it. (Myers)

DNR Response: Refer to the response to comment #10.

21. This director discretion rule seems to be a pre-meditated fine on a producer that has not yet violated any law. The farmer has most likely studied site location, distance from wells and surface water, distance from neighbors, prevailing wind, and land availability for nutrient application. He also has talked to neighbors, hired advisors and lawyers to get through the maze of regulations now in place. Now after this time, expense and being approved the director wants final say on this project. In Iowa the voters elect legislators and a governor in which they write laws send those to committee and on to the governor for yes or veto. This rule seems to want to jump over all these elected officials and let the DNR director dictate to Iowa producers who can and can not raise livestock. (Pederson)

DNR Response: Refer to the responses to comments #4 and 10.

22. I too am concerned with shallow bedrock, lagoons placed too close to public water supplies and distances and directions from sink holes. These issues need to be addressed. Under NO circumstances do I believe anyone should ever have absolute power to deny construction permits or manure management plans that have followed and meet all DNR rules and state laws. How far manure is hauled should be of no concern to anyone but the

person who is paying the bill as long as it is done properly. Livestock producers are doing the best job ever. With every new site they take hundreds of hours in planning and spend thousands of dollars to locate good sites and do everything according to law. We have many good regulations now, give them a chance to work. A strong livestock industry strengthens rural communities in turn making for a stronger state. Don't give the DNR director the power of discretionary rule. The DNR was never intended to be a dictatorship. (Boland)

DNR Response: Refer to the responses to comments #4 and 10.

23. The rule allows the DNR to make decisions about who is going to be allowed to raise livestock in your neighborhood. If your neighbors already raise hogs, the DNR may not allow you the same economic advantage of the manure for your crops. The rule puts those who don't already have a livestock operation or access to manure at an economic disadvantage. (Fredrickson, Poen)

DNR Response: Many examples could be cited for the proposition that requirements change as a given industry or profession becomes ubiquitous. Confinement feeding operations, regardless of size, constructed prior to May 31, 1985 and not expanded thereafter are not required to submit manure management plans. An argument could be made operations constructed after May 31, 1985 are at an economic disadvantage but it is generally understood that regulatory requirements must be altered to address issues that accompany new or expanding industries.

24. As a Certified Crop Advisor, Agronomist, Technical Service Provider, Husband and Father the last thing I want to see happen is environmental abuse by anyone upon our state. By the same measure I do not believe a producer intentionally violates the rules currently set forth by the state. If they do violate the rules, fine and pursue them under the full extent of the law, but we cannot plan for the future if we must constantly be guessing on what might be arbitrary decisions based on no real viable economic or environmental structure. Again I urge you to stop the Director Discretion Rule and allow the current rules put in place to work for the good of all those involved and for the good of Iowa. (Wedemeyer)

DNR Response: Refer to the responses to comments #10 and 11.

25. There are rules and regulations for the livestock industry and they are sufficient. We can understand how in a very few cases where a little flexibility would make some sense, we don't feel there are enough of these cases to warrant this rule. Another concern is that 'director discretion' would be abused, (Allen)

DNR Response: Refer to the response to comment #7.

26. I am opposed to this rulemaking for the following reasons. First of all, it places the DNR director in a position where he could feel and react to pressure from people and groups. Although he may feel that a project is well sited and planned, opposition may compel him to reject it for reasons unrelated to the environmental factors. Second, he could make decisions based on things that may only exist in his mind. If he can assume that a producer may make a mistake, have an accident, or do something that is fine 99% of the time but weather can create a problem once, then he could reject any and all applications. Why would anyone spend time and money to develop a value-added livestock business if it could be rejected for “potential” problems? (Thompson)

DNR Response: Refer to the response to comment #4.

27. 1. There is no mention of a hearing with the respect to the potential adverse impacts on natural resources or the environment to determine the denial of a confinement feeding operation or proposed expansion of a confinement feeding operation that requires a construction permit or manure management plan. Is this going to be like a N.O.V. that can not be challenged until it becomes an A.O.?
2. Rules found in 567-65.5 (455B) addresses the fact that any animal feeding operation may be evaluated for possible pollution conditions. This rule states the conditions of the problem and the requirements to apply for an operation permit.
3. Rule no. 65.3 (4) c (1), (2) addresses manure being applied to frozen or snow-covered cropland. (Response to # 1 referring to confinements)
4. Rules found in 567-65.2 (455B) refers to structures and rules found in 567-65.3 (455B) refers to land application of manure to sensitive areas. (Response to # 2 referring to confinements)
5. HEL ground is addressed in 65.3 (4) f. (Response to # 3 referring to confinements)
6. 65.2 (7) addresses the removal of manure from a feeding operation and the manner in which it is to be land-applied. (Response to # 3 referring to confinements)
7. The Iowa Legislators did not include a 2-year capture zone for a public water supply in chapter 567. (Response to # 4 referring to confinements)
8. In response to additional requirements to be included in rules 65.9(455B), 65.10(455B), 65.11(455B), 65.15(455B) and 65.17(459), the first two rules proposed are addressed in 567-65.5 (455B) with the requirements stated there. The third rule is an assumption that can not be made. If adequate land base is in place for a MMP plan and all distances are met with a passing Mater Matrix Score, there is no assumption. It is black and white and everyone knows the rules and there is no grey area. (Leerar)

DNR Response: 1) The proposed amendments authorize appeals in 65.5(3)“d;” 2) Unlike the proposed amendments, existing rules regarding Department evaluation at 567 IAC 65.5 only apply to existing operations; 3)The referenced provision is merely a recommendation; 4, 5 &6) The referenced provisions do not authorize denials or permit conditions based on the listed concerns; 7) The Department (EPC) promulgates rules appearing in 567 IAC and is merely continuing that effort in the proposed amendments; 8) Some “gray area” is necessary to address isolated situations that cannot be anticipated in rule provisions that apply to most operations.

28. What I need most as an agricultural producer is predictability and consistency in the rules and regulations from year to year. I am a conscientious farmer who cares about the environment and my community. When I follow all the laws passed by the Iowa State Legislature, Congress, federal agencies and state regulators, I should have the peace of mind that I will be able to continue to make my living. I oppose this rulemaking. It goes against the legislative intent by regulating farmers on an individual basis, creating an uneven playing field, and adding uncertainty of my future opportunities to grow. It is inappropriate to set up a system that arbitrarily weeds out farmers without objective standards to review. Farmers deserve consistency and fairness in laws just like all other citizens. (Brandt)

DNR Response: Refer to the responses to comments #4 and 13.

29. What is even worse is that a farmer can spend thousands of dollars on research and engineering on a site only for it to be arbitrarily rejected, perhaps because someone who does not share a political belief or has an ax to grind, is able to make a lot of noise, possibly bending the director's ear. Now we can think that our current director would not be swayed by such a thing. That may be true of our current director, but what if the next director is more easily swayed by political pressures, etc. This is a bad precedent and a bad direction to take. (Seil)

DNR Response: Refer to the response to comment #11.

30. We believe manure should not be applied to frozen or snow-covered cropland. Applying manure to sensitive areas, including publicly owned land, designated areas, land sloping to trout streams and on karst terrain, should be prohibited. We believe topography, slope, vegetation, potential means or routes of conveyance of manure spilled or land-applied should factor into the manure application of cropland with slopes greater than nine percent, although we would support lowering the percentage of a slope. We also support prohibiting manure application in an area that is located near all sources of -- or any potential capture zone for -- a public water supply. The Iowa Chapter encourages you to consider prohibiting the application of manure to tiled farm fields where the tile enters a watercourse without a marshy- or wetland buffer of some sort. (Mackey-Taylor)

DNR Response: While the Department shares many of these concerns it is believed that the proposed amendments authorizing the Department to address specific problem sites is preferable at this time to additional, general prohibitions.

31. I write to oppose the proposed discretion rule. My family raises pigs and crop farms near Webster City, Iowa and is already burdened with a lot of regulations for our feeding operations. We fully support science based rules and would make or adjust practices

based on those scientific data / information. Creating a discretionary rule only creates more stress, unknowns and monetary consequences that are out of our control. I also believe it will put an enormous amount of pressure on the director due to perception of activists and the agenda(s) they have to stop production of pork in Iowa as well as across the nation. The legislature has not approved local control due to a lot of these same reasons and this is really nothing more than that. So again, I am opposed to the proposed DNR Director Discretion Rule. (Gourley)

DNR Response: The evaluation process leading to a denial or limitation at a specific site will be based on technical, scientific data and analysis and not on pressure from interest groups.

32. I am concerned with the plan to give the DNR director the discretion to halt the construction of facilities that meet all other requirements. The proposed subrules to 567-65.5(455B), go beyond what is necessary to protect Iowa's environment. The rules that must be followed and the extra considerations that may be made through the master matrix, cover what is needed to keep Iowa a great place to live. The potential of the director to abuse this new power, if granted, is horrendous! The "politics" of getting past the director could be a real mess. If all other statutes are met, the producer should be able to build. (Struthers)

DNR Response: Refer to the responses to comments #4, 9 and 10.

33. Permitting applications having the potential to adversely effect our environment and the neighbors makes absolutely no sense. It makes more sense to see language restored increasing our protection and ensuring the rule is not further weakened. (Stephens)

DNR Response: Refer to the response to comment #3.

34. I understand the need for rules and regulations of farm practices for the good of our water quality. What concerns me is that even if a farmer has satisfied all of the conditions to get a building permit to construct a confinement building, Iowa DNR can arbitrarily deny that farmer the ability to build. If there is a question that the rules are not stringent enough, then an examination of the process is in order. The thing that really concerns me is the broadness in nature of this proposal. The rule language leaves the door open for unprecedented authority for the DNR. Remember, power corrupts and absolute power corrupts absolutely! What I need is consistency and predictability in the rules and regulations from year to year. (Schoonover)

DNR Response: Refer to the responses to comments #10 and 11.

35. I am writing in opposition to any rule that gives the ability for the DNR to have such broad and casual authority over construction permits or manure and nutrient management

plans. The greatest concern is that the DNR is always changing ruling in order to have more control over animal agriculture. When a feedlot complies with DNR rule and spends a tremendous amount of money to get into compliance, the rules may change, at will, and what he has done is not good enough. This new power that the DNR will have will allow them to subjectively condemn an operation for any reason, even if they have met all of the rules set by the DNR in previous years. I know of so many operations that have done tremendous work to become more environmentally friendly. However their hard work seems to be totally unappreciated. These new rules and authorities that the DNR wants to have over animal feeding operations concerns me of future freedoms that will be taken away. I am all for protecting the environment and doing the right thing, but when the rules keep changing how are we as producers supposed to know what to do. It is in my opinion that the DNR needs new leadership and directive to steer it towards promoting agriculture in Iowa and all that it produces. The current leadership makes the DNR look more like a dictatorship, than a democracy. I hope that my words convey my disapproval with the current rules the DNR is proposing in the legislature, and what is in front of the Environmental Protection Commission. If animal agriculture continues to be persecuted, I am afraid one day there will be no ag left, and small town America and cheap food will be gone in these United States of America. (Englin)

DNR Response: Refer to the responses to comments #10 and 14.

36. I can't imagine the confusion if one person is making the rules for each and every producer in the state. It makes it almost impossible to run an ag operation today when the rules are continuously changing. You may invest money in one improvement on your farm, and the next year the rules could change and you would have to upgrade to keep in compliance. I am opposed to this rulemaking. It is inappropriate to set up a system that arbitrarily weeds out farmers without objective standards to review. We need consistency in laws just like any other citizen. It is unfair to hold us to a different standard with ever-changing and inconsistent laws. (Adams)

DNR Response: Refer to the responses to comments #10 and 11.

37. For an agency to give itself the authority to go beyond the rules established by the elective legislature is wrong. Allowing one person to have autonomous discretion to shut down our family business or deny our responsible expansion is not good for business. Our farm does not have a construction permit, but it does have a manure management plan and someday we may expand our farm. We currently spend many hours attending MMP applicator training classes and preparing, reviewing and implementing our MMP. We do not like the reality that we could spend hundreds of hours and thousands of dollars researching and properly preparing a construction application or manure management plan to meet the legal requirements for a livestock site, just to have it denied for conditions we legally do not have to meet. (Form letter 5)

DNR Response: Refer to the response to comment #10.

38. This rule should not impose additional requirements unless there can be standards to base my management decisions. What I see happening with this rule is a never ending game of ask and ask again, because there is no definition to The Directors "Discretion". There is no way for today's growing family farmer to know what is expected with this proposed rule. It goes way beyond what the legislature has established as environmental standards. (Schmidt)

DNR Response: Refer to the response to comment #10.

39. The matrix system was designed to give livestock producers a scoring system to determine where and how to best site their livestock facilities. Creating a manure czar who can disregard the system is totally unfair to the people who go to the work of following the guidelines. It would be most unfair to the family farmers who want to place the facilities on their own land as opposed to the mega producers who can just buy a piece of land somewhere else. Having the ability to deny permits at the discretion of the director is subject to abuse, unpredictable change and unaccountable influence by special interests--whether it is the livestock industry or CCI. (Cramer)

DNR Response: Refer to the responses to comments #4, 9 and 10.

40. The current laws do a good job of site location and manure applications are currently regulated with good sound agronomics. Giving ONE PERSON the ability to self regulate this industry is a potential disaster for agriculture, Iowa, and all of the citizens of this great state. (Johnson)

DNR Response: Refer to the response to comment #4.

41. How far manure is hauled should have no bearing on the risk associated with it. Commercial fertilizer is hauled thousands of miles in quantities far greater than manure will ever be. This is not using sound science. I also disagree with using the slope of the ground to determine manure application. If manure is not used, commercial fertilizer will be. This will have no net environmental gain. These are just a few of the reasons I disagree with the proposed rules. I believe that environmental risks should be evaluated using sound science and not "potential adverse impacts." Things that potentially impact the environment adversely can be legislated against with specific rules. We have many good rules on the books today and keeping them specific, not vague, allows producers to know what should and shouldn't be done. (Metzger)

DNR Response: Refer to the responses to comments #7 and 31.

42. I am concerned about the broad discretion this rule gives the DNR. It appears that the past 10 years of working to establish environmental legislation with my local senator and representative is going to be swept away in one rule. I am certain that the legislature never imagined that the DNR and EPC were ever going to ask for this type of subjective authority. How will “potential adverse impacts on natural resources or the environment” be defined? Who is going to set those parameters and what set of guidelines will they follow? These unknowns make this a very dangerous precedence for the DNR to establish in rule making. It appears to me they would like to make the rules up as they go. (Tupper)

DNR Response: Refer to the response to comment #10.

43. Because the proposed rule applies to proposed operations or proposed expansions, it essentially removes the management component from DNR’s analysis under this rule in that DNR will make decisions about how a proposed operation or expansion might impact the environment before they know how it will be managed. (Tentinger, ICA, IPPA, C. Poppe, N. Poppe, Lear, Doran, Sheets)

DNR Response: While proper management is certainly an essential component in assuring that an operation complies with regulatory requirements, the Department contends that some sites may be so problematic that no amount of management can offset the substantial risk to natural resources or the environment.

44. The Department lacks sufficient statutory authority to adopt this rule. (ICA, IPPA, Gruenhagen, Blaser)

DNR Response: The Department contends that the EPC has the statutory authority to adopt the proposed amendments based upon an analysis by the Department’s Legal Services Bureau in a memo dated December 7, 2005. Several comments challenge the conclusions in said memo and the major arguments are addressed below:

a. A comment contends that the Department’s general rulemaking authority is overcome by detailed statutory requirements in Iowa Code Chapter 459 and 459A. Iowa Code section 4.7 provides that if a general provision conflicts with a special provision, they shall be construed, if possible, so that effect is given to both. The Department contends that the provisions do not conflict and that the proposed amendments allow both the general and specific provisions to be given effect. Further, the General Assembly apparently agrees with this approach. For example the general rulemaking authorization currently found in Iowa Code subsection 459.103 was enacted in 1998 along with detailed statutory requirements pertaining to manure management plans, separation distances and construction permits. Subsequently, the general rulemaking authorization has remained intact despite additional specific requirements.

b. It is asserted that the proposed amendments conflict with Iowa Code section 459.303 which provides that the master matrix “is to provide a comprehensive assessment mechanism in order

to produce a statistically verifiable basis for determining whether to approve or disapprove an application for construction...of a confinement feeding operation structure. The master matrix shall be used to establish conditions for the construction of a confinement feeding operation structure and for the implementation of manure management practices...” This comment further contends that the proposed rules “eviscerate the role of the master matrix” as an objective method for considering the “variety of unique circumstances that confront all permit and plan applicants.” The Department disagrees with this interpretation of the master matrix because Iowa Code subsection 459.304(5) requires the Department to disapprove a construction permit application that does not satisfy the requirements of Iowa Code chapter 459 despite achieving a passing score on the master matrix. Iowa Code subsection 459.103(2) provides that the requirements of Iowa Code Chapter 459 includes compliance with “requirements in rules adopted by the commission pursuant to this section.” Clearly the General Assembly did not intend the master matrix to preclude all other statutory and rule requirements.

c. Another comment contends that the Department does not have authority to promulgate a rule “that leaves uncertain the outcome of an application for a confinement feeding operation construction permit or manure management plan,” arguing that the Department is limited to promulgating “requirements” not conditions that would “vary depending on the circumstances surrounding the permit or plan in question.” The Department disagrees with this interpretation because the statute expressly authorizes the Department to include conditions in construction permits. For example, Iowa Code section 459.303(6) provides: “As a condition to approving an application for a construction permit, the department may require any of the following:” and goes on to list water pollution control devices or practices such as a monitoring system. Obviously the Department is not limited to “cookbook” type requirements that cannot be varied for unique circumstances.

d. It is asserted that the statute only authorizes the Department to promulgate procedures related to the approval and denial of manure management plans, with no authority to institute standards or conditions. The Department asserts that this interpretation is not correct because of express statutory provisions to the contrary. For example, Iowa Code §459.312(10)(a)(1) requires a manure management plan to include restrictions on the application of manure based on nitrogen use levels and “according to requirements adopted by the department.”

45. The rule takes away the predictability of the permit and MMP approval processes. Farmers will invest thousands of dollars on research and preparation only to have a site arbitrarily rejected. The rule allows the DNR to make decisions about who is going to be allowed to raise livestock in my neighborhood. If my neighbors already raise livestock, the DNR may not allow my farming operation the economic advantage of manure for our crops. The rule is simply not a logical approach to regulating the farming business.
(Form Letter 1)

DNR Response: Refer to the responses to comments #10 and 23.

46. The statute unambiguously exempts confinement operations smaller than 500 animal

units, yet the rule includes vague, ad hoc regulations on them. Under the proposed rules all animal feeding operations will be subject to DNR authority and review. (Gruenhagen)

DNR Response: This is not accurate. The proposed amendments clearly provide in the first sentence of 65.5(3) that the DNR may evaluate operations that require a construction permit or a manure management plan. Operations smaller than 500 animal units are not required to have either, so would not be impacted by the proposed amendments.

47. The first evaluation factor, “The likelihood manure will be applied to frozen or snow-covered ground.” lacks clarity because terms such as “likelihood” and “applied” are not defined. It is also unclear what impacts to the environment the Department is anticipating. The factor will be used as nothing more than a pretext to deny or attach conditions to an otherwise acceptable application or MMP. (Gruenhagen, Blaser)

DNR Response: All the listed factors must be considered, not just this one, in conducting an evaluation which will eliminate the possibility that this factor will be used as a pretext to deny an application etc. These rule amendments are broadly worded to allow the Department to evaluate specific and as yet unknown proposed operations and associated environmental and natural resource issues that are otherwise not addressed by statutory and rule provisions.

48. The second evaluation factor, proximity to sensitive areas, is undefined and conflicts with statutory separation distance requirements. (Gruenhagen, Blaser)

DNR Response: While the “sensitive areas” is not defined for the reason given in the response to comment 47, the provision does include examples for guidance purposes. Merely because statutory separation distances apply to all non-SAFO operations the Department does not agree that it is precluded from promulgating rules to consider and potentially address specific impacts to natural resources or the environment that could not have been contemplated by the general statutory provisions.

49. The third evaluation factor, dealing with topography, slope, vegetation and route of conveyance of manure spilled or land-applied is vague and is already addressed by the P Index. (Gruenhagen, Blaser)

DNR Response: While the terms listed are not defined for the reason given in the response to comment 47, the provision does include examples for guidance purposes. If the P Index adequately addresses all concerns that fall under this factor in a specific case the Department would have a corresponding lessened basis for denying a permit application or taking other action as provided in paragraph “b.”

50. The fourth evaluation factor concerning the two-year capture zone for a public water

supply is problematic because the Department has not identified where they are located.
(Gruenhagen, Blaser)

DNR Response: The Department has information on capture zones. Public water supplies have expressed considerable resistance in the past to making the locations of their wells easily accessible via the internet. The department shares their concerns for the security of our public water supplies. Information regarding the location of the 2 year capture zone is available upon request from the department.

51. The third determination test, that a facility would pose an “unacceptable burden in a specific area due to current concentration,” is the most problematic portion of the proposed rules. It is unclear what the terms “unacceptable burden,” “specific area” and “current concentration mean other than what the DNR decides they mean on a case-by-case basis. (Blaser)

DNR Response: The Department agrees that “unacceptable burden” is unclear and recommends that the term “adverse effect” be substituted in subparagraphs 65.5(3)”b”(3) and 65.103(5)”b”(3). It is more widely used in Department rules and is likely better understood by the regulated community.

The following submitted comments:

1. Marla Conley and Bonnie L. Conley, Cherokee, IA
2. Roger Zylstra, Lynnville, IA
3. Dan Grove, South English, IA
4. Chad Grouwinkel, Webster City, IA
5. Bill Tentiger, LeMars, IA
6. Verdell Johnson, Cleghorn, IA
7. Kevin Hinnners, Exira, IA
8. Marty Danzer, Carroll, IA
9. Milford Schulze, Van Horne, IA
10. Robert Ritscher, Benton County, IA
11. Al Schafbuch, Dysart, IA
12. Scott Hunter, Wapello, IA
13. Brian Foster, Hampton, IA
14. Morgan Kuper, Buchanan County, IA
15. Kevin Worley, Greene, IA
16. Varel Bailey, Anita, IA
17. Marilyn Murphy, Diocese of Sioux City, IA
18. Gary Brands, Inwood, IA
19. Gerry Brands, Inwood, IA
20. Calvin Poppe, Ionia, IA
21. Nancy Poppe, Ionia, IA
22. Carol Wallitt, Fairfield, IA

23. Nadia Johns, Fairfield, IA
24. Joe Spahr, Monticello, IA
25. Doug McDougall, LeMars, Iowa
26. Kevin Vinchattle, Chief Executive Officer, Iowa Poultry Association, Urbandale, IA
27. Terry Butler, Wapello, IA
28. Mr. and Mrs. Richard Godfrey, Henderson, IA
29. Arnold Damman, Des Moines, IA
30. Wallace Kreimeyer, Dougherty, IA
31. Dean Whitehead, Panora, IA
32. Dianna Rotta, Plymouth County, IA
33. Pat Regan, Des Moines, IA
34. Craig Lang, Iowa Farm Bureau President, Brooklyn, IA
35. Vern Tigges, Iowa Citizens for Community Improvement, Des Moines, IA
36. Jack Erwin, Crawfordsville, IA
37. Peter Alexander, Onawa, IA
38. Mike Lage, Onawa, IA
39. Kenneth Gard, Sioux City, IA
40. Max Schmidt, no address
41. Patrick Bosold, Fairfield, IA
42. Larry Jepsen, Clinton Ia
43. Harvey W. Fascher, Coggon, Iowa
44. Michele Weber, Wapello Cpunty, IA
45. Richard Arthur, Nora Springs, Ia
46. Evonne Jennett, Bedford, Iowa
47. Joe Gerst, Amana, IA
48. Gary Woodley, Clarion, IA
49. Cheryl Jacobsen, Eagle Grove, IA
50. J.D. Myers, no address
51. Rick Pederson, Humboldt, Iowa
52. Brent Naeve, Humboldt, IA
53. Bkempe – via email
54. DAN FITZPATRICK, SCHLESWIG IA
55. Christy Swenson, no address
56. Doug Boland, Williamsburg, Iowa
57. Cynthia Lovas Gannon, no address
58. Carole Simmons, Fairfield, IA
59. Isabelle Salterberg, Packwood, IA
60. Rev. Steven Arndt, Fairfield, IA
61. Iowa Cattlemen's Association (ICA)
62. Iowa Pork Producer's Association (IPPA)
63. Michael R. Blaser, Des Moines, IA
64. Susan Korsgaden, Fairfield, IA
65. Elizabeth Kelley, Fairfield, IA
66. Rodger Beaton, Fairfield
67. Rosemary and D.G. Partridge, Wall Lake, Iowa
68. Tina McQuiston, no address

69. Blakemore W. Overall, Student Benefits International, Fairfield, IA
70. Edith L. Perry, Fairfield, Iowa
71. Richard and Loree Sarnat M.D., Fairfield, Ia.
72. Dolores Johnson, Fairfield, Iowa
73. Claudia Petrick, Fairfield, IA
74. Sandra Rando, Fairfield IA
75. Anne McCollum, no address
76. John D. Fredrickson, Gowrie, Iowa
77. Linda Hedquist, LMT, Libertyville, Iowa
78. Keith D. Johnson, no address
79. Margaret M. Dwyer, Fairfield, IA
80. Jennifer, Tom, Cole and Mogen Fishback, Fairfield, Ia
81. Dawn Hunter, no address
82. Rosie Estrin, no address
83. Dr. Robert D. Klauber, no address
84. Rick Archer, SearchSummit, Fairfield, IA
85. Laura Nelson Streicher, no address
86. Jean Symington Craig, no address
87. Kathy Jaffey, Fairfield, IA
88. Kenneth Walton, Fairfield, IA
89. Ron Kilburg, no address
90. Carl Roberts, C. G. Roberts, Inc., Belmond, Iowa
91. Fr. Thomas Miller, St. Gabriel and All Angels
92. Dan Elliott, Pottawattamie County
93. Alan Wedemeyer, Lake City, Iowa
94. June Oliver, Fairfield, Iowa
95. Tony & Vicki Allen, Union County Iowa
96. Steven Thompson, Van Horne, IA
97. Danny & Ronda Leerar, RONDAN Ag Services, L.L.C., Williams, IA
98. DAN B. SCHMITT, WAUKON, IA
99. David M Brandt, Council Bluffs, Iowa
100. David Seil, Gowrie, Iowa
101. Stacy L. Maurer, Fairfield IA
102. Donna Larsen, Exira, Ia.
103. Mark Brown, LeMars, IA
104. John Strouss, Fairfield, IA
105. Jerald and Carol Hanson, Anita, Iowa
106. Kevin Poen, no address
107. Marie Zenack, Fairfield, IA
108. Pam Mackey-Taylor, Chair, Iowa Chapter of Sierra Club
109. Gene Gourley, Webster City, Iowa
110. Dave Struthers, Collins, Ia
111. Julie Stephens, Farifield, IA
112. Howard D. Schoonover, Benton County, Iowa
113. Barbara Oberdieck, Fairfield, Iowa
114. Jim Martin, Rolfe, Iowa

115. Garret Englin, Farmers Coop Society Feedlot Manager, Sioux Center, IA
116. Doug Adams, Humboldt, IA
117. David Rydberg, Essex IA
118. Charles Walters, Eldora IA
119. Dick Danielson, no address
120. Mary Klauke, Archdiocese of Dubuque Rural Life Office, Dorchester, IA
121. Frostylandscaper – via email
122. Ron Buse, Lake City, IA
123. Mrs. Mary Roberts, Templeton, Iowa
124. JOHN BECKER, MANAGER OF FARMERS COOP, CRAIG, IA
125. Ron & Susan Kardel, Walcott, IA
126. Charles Winterwood, Chair, White Pine Group, Sierra Club, Dubuque, IA
127. Gretta Irwin, Iowa Turkey Federation, Ames, Iowa
128. Clark BreDahl, Greenfield, Iowa
129. Robert A. Venner, Carroll, IA
130. Morey J Hill, Madrid, Ia
131. Greg Pudenz, Carroll, IA
132. Randy Pudenz, Carroll, IA
133. Kent Mowrer, Site Development Manager, Prestage Farms of Iowa LLC
134. Vernon Raak, Sioux Center, Ia
135. R&M Pudenz – via email
136. Diane Van Winkle, Fairfield, Iowa
137. Norman Atwood, Fairfield IA
138. Larry Alliger, Gowrie Iowa
139. Jeffrey Hedquist, Fairfield, IA
140. John Van Winkle, Fairfield, IA
141. Tim Schmidt, Hawarden, IA
142. Dan Cramer, Blairsburg Iowa
143. Fred Lundt, Rockwell Ia
144. Gary Zhorne, no address
145. Kevin Wulf, Holstein, Iowa
146. Brent Johnson, Manson, Iowa
147. Mindy Larsen Poldberg, Director of Government Relations, Iowa Corn Growers Assn
148. John Hofmann, Cedar Rapids Iowa
149. Hubert & Virginia Hagemann, Carroll, IA
150. Reed Metzger, Rock Rapids
151. Bev Arp, Conroy, IA
152. Joanne L. Tupper, Ionia, Iowa
153. Robert Achen, Wayland, Iowa
154. Christina L. Gruenhagen, Government Relations Counsel, Iowa Farm Bureau Federation
155. Cindy Buck, Fairfield, IA
156. Ernest and Virgina Sage, Dustin Sage
157. Dale R. Friedrichsen, Holstein, IA
158. Dan and Barb Dammann, no address
159. Craig Rash, Denver, Iowa
160. Brad Dodds, Danville Ia

- 161. Susan Rubis, no address
- 162. Mark Welter, Hopkinton Iowa
- 163. Daniel Swann, no address
- 164. Steve Rathe, Readlyn IA

FORM CARD 1

165 – 1044. Cards available for review

FORM LETTER 1

- 1045. Eric Finch, State Center, IA
- 1046. Adam Gibson, Nevada, IA
- 1047. Erik J. Christian, Story City, IA
- 1048. Larry Jacobson, Maxwell, IA
- 1049. Barbara A. Finch, Ames, IA
- 1050. Mike Kalsem, Huxley, IA
- 1051. David Deyoe, Nevada, IA
- 1052. Dave Struthers, Collins, IA
- 1053. Eldon Boswell, Nevada, IA
- 1054. Jason Kalyk, Roland, IA

FORM LETTER 2

- 1055. Ruth Schafbuch, Dysart, IA
- 1056. Dave Grton, Laporte City, IA
- 1057. Kyle and Kerri Mehmen, Plainfield, IA
- 1058. David M Brandt, Council Bluffs, Iowa

FORM LETTER 3

- 1059. Brian Kessel, Lamoni, IA
- 1060. Leon and Shirley Kessel, Lamoni, IA
- 1061. Norman Sackett
- 1062. Al Schafbuch, Dysart, IA
- 1063. Jeff and Micki Reints, Shell Rock, IA
- 1064. Patrick Lentz, Plainfield, IA
- 1065. Stan and Karmen Mehmen, Plainfield, IA
- 1066. David McKechnie, Fairfax, IA

FORM LETTER 4

- 1067. Vincent Willey, Whiting, IA
- 1068. Dave Moorhead, Moorhead, IA
- 1069. Steve Holverson, Hornick, IA

FORM LETTER 5

- 1070. Jeanetter Raglen, Sioux Rapids, IA
- 1071. Cal Halstead, Des Moines, IA
- 1072. Nathan Hill, Ellsworth, IA

- 1073. Ron & Susan Kardel, Walcott, IA
- 1074. Robert Achen, Wayland, IA

Comments from Public hearings:

- 1075. Jack Burright, Pierson, IA
- 1076. Ken Gard, Woodbury County, IA
- 1077. Greg Shroeder, LeMars, IA
- 1078. Deb Witt, Newell, IA
- 1079. Tom Witt, Newell, IA
- 1080. John Hansen, Granville, IA
- 1081. Bill Tentiger LeMars, IA
- 1082. Jared Terpstra, Sioux Center, IA
- 1083. Jerome VanDeStruet, Inwood, IA
- 1084. Dean Schmidt, County Board of Supervisors
- 1085. Verdell Johnson, Cleghorn, IA
- 1086. Todd Popken, Ireton, IA
- 1087. Blaine Perry, Aurelia, IA
- 1088. Mark Loutsch, LeMars, IA
- 1089. Jeff Rehder, Hawarden, IA
- 1090. Don Kass, Remsen, IA
- 1091. Evan Vermeer, Iowa Cattlemen's Association
- 1092. Kris Kohl, Storm Lake, IA
- 1093. Tim Biermann, Larrabee, IA
- 1094. John Fluit, Jr., Inwood, IA
- 1095. Leon Meiburg, Rock Rapids, IA
- 1096. Greg Lear, Spencer, IA
- 1097. Joe Rotta, Merrill, IA
- 1098. Marc VanPermern, Orange, City, IA
- 1099. Chris Gruenhagen, Iowa Farm Bureau
- 1100. Beth Doran, Sioux Center, IA
- 1101. Howard Mogler, Alvord, IA
- 1102. Rodney Mogler, Alvord, IA
- 1103. Mark Brown, LeMars, IA
- 1104. Dennis Ladwig, Spencer, IA
- 1105. Wes Snack, Primghar, IA
- 1106. Reed Metzger, Rock Rapids, IA
- 1107. Jeef Koops, Sioux Center, IA
- 1108. Myron Pringle, Aurelia, IA
- 1109. Janet Shroeder, Remsen, IA
- 1110. Leon Nelts, Ashton, IA
- 1111. Mark Reinsink, Sioux Center, IA
- 1112. Paula Halma, Doon, IA
- 1113. Bruce Hinon, Boydon, IA
- 1114. Gerald Brands, Inwood, IA
- 1115. Don Turner, Remsen, IA

- 1116. Dan Winterhoff, Aurelia, IA
- 1117. Charles Carpenter, Coon Rapids, IA
- 1118. Vern Tigges, Carroll, IA
- 1119. Alan Lemker, Breda, IA
- 1120. Susan Carlson, Red Oak, IA
- 1121. Marty Danzer, Carroll, IA
- 1122. Dale Sporrer, Dedham, IA
- 1123. Ron Beach, Harlan, IA
- 1124. Dale Larsen, Cass County, IA
- 1125. Don Frederickson, Holstein, IA
- 1126. Wayne Nosbich, Greenfield, IA
- 1127. Doug Pudenz, Carroll, IA
- 1128. DeeAnn Pudenz, Carroll, IA
- 1129. Rachel Garst, Coon Rapids, IA
- 1130. Jim Bradford, Guthrie County, IA
- 1131. Mark Zacccone, Harlan, IA
- 1132. Brian Klocke, Dedham, IA
- 1133. Kurt Clancy, Halbur, IA
- 1134. Mike Sexton, Rockwell City, IA
- 1135. Justin Hosek, Tama County, IA
- 1136. Margaret Babinet, Tama County IA
- 1137. Lee Hanstrade, Marshall County, IA
- 1138. Sam Carney, Adair, IA
- 1139. David Doyle, Nevada, IA
- 1140. Keith England, Hubbard, IA
- 1141. Steve Stanton, Yale, IA
- 1142. Dean Kleckner, Urbandale, IA
- 1143. Milford Schultze, Benton County, IA
- 1144. Phil Mathias, Ottumwa, IA
- 1145. David Scott, Muscatine, IA
- 1146. Rachel Vittetoe, Washington, IA
- 1147. Dave Skubal, Ainsworth, IA
- 1148. Heidi Vittetoe, Washington, IA
- 1149. Dan Berdo, Washington, IA
- 1150. Chris Harmsen, Wellman, IA
- 1151. Roger Friedrichs, Walcott, IA
- 1152. Ross Paustian, Scott County, IA
- 1153. Calvin Rozeboom, Oskaloosa, IA
- 1154. Jeff Boch, Bettendorf, IA
- 1155. Mike Hora, Washington, IA
- 1156. Jerry Anderson, West Liberty, IA
- 1157. Scott Heater, Louisa County, IA
- 1158. Al Schaffbuch, Dysart, IA
- 1159. David McKechnie, Fairfax, IA
- 1160. Robert Titscher, Benton County, IA
- 1161. Howard Schoonover, Garrison, IA

- 1162. Steve Duke, Van Buren County, IA
- 1163. Mark Ledger, Stockport, IA
- 1164. Rick Plowman, Douds, IA
- 1165. Dennis Gratz, Farmington, IA
- 1166. Rodney Pech, Stockport, IA
- 1167. Joe Ledger, Fairfield, IA
- 1168. Jim Rubis, Fairfield, IA
- 1169. Frank Jamison, Louisa County, IA
- 1170. Tye Renner, Washington, IA
- 1171. Robert Swanson, Fairfield, IA
- 1172. David Wrage, Benton County, IA
- 1173. Steve Burrows, Sumner, IA
- 1174. Myron Kuper, Jesup, IA
- 1175. Dale Boelman, Clarksville, IA
- 1176. Dean Hamblin, Jesup, IA
- 1177. Jeff Morris, Wesley, IA
- 1178. George Beordmore, Allamakee County, IA
- 1179. Mark Welter, Hopkinton, IA
- 1180. Joanne Tupper, Ionia, IA
- 1181. Dee Youngblut, Sumner, IA
- 1182. John Slatterly, Winthrop, IA
- 1183. David Weymiller, Allamakee County, IA
- 1184. Scott McGregor, Nashua, IA
- 1185. Harold Lantow, Chickasaw County, IA
- 1186. Guy Peterson, Wyoming, IA
- 1187. Ron Beerman, Elgin, IA
- 1188. Carmen Mehmen, Plainfield, IA
- 1189. Leon Sheets, Ionia, IA
- 1190. Malcolm Miller, Beaman, IA
- 1191. Allen Tesdale, Clarion, IA
- 1192. Mathias Jensen, Clarksville, IA
- 1193. Jeff Reints, Butler County, IA
- 1194. Don Buntz, Tripoli, IA